REMARKS

Claims 1-23 are pending in this application. Claim 11 has been amended to address informalities and claims 12-23 have been added to present additional aspects of the invention. In light of the amendments and remarks included herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner asked Applicants to amend the specification and objected to claim 11. The Examiner further rejected claims 1 and 11 under 35 U.S.C. § 103(a) as being obvious over *Gay et al.* (USP 4,924,480) in view of *Strawczynski et al.* (USP 6,006,189); rejected claims 7, 9, and 10 under 35 U.S.C. §103(a) as being obvious over *Gay et al.* in view of *Strawczynski et al.* and further in view of *Gvozdanovic* (USP 6,600,720); rejected claim 8 under 35 U.S.C. §103(a) as being obvious over *Gay et al.* and *Strawczynski et al.* and *Gvozdanovic* and further in view of *Lemieux* (USP 5,615,255); rejected claims 2-4 under 35 U.S.C. §103(a) as being obvious over *Gay et al.* in view of *Piasecki et al.* (USP 5,177,453); rejected claim 5 under 35 U.S.C. §103(a) as being obvious over *Gay et al.* view of *Sourani et al.* (USP 6,549,515); and rejected claim 6 under 35 U.S.C. §103(a) as being obvious over *Gay et al.* in view of *Sourani et al.* and further in view of *Piasecki et al.* Applicants respectfully traverse these rejections.

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Requested Amendment to Specification

In the outstanding Official Action, the Examiner asked Applicants to amend the specification to include a citation to co-pending application no. 09/664,096 in a Related Applications Section. Applicants note that this application was cited to the Examiner in an Information Disclosure Statement filed April 30, 2001, in order to satisfy their duty to disclose as outlined in MPEP §2001.06(b). As such, Applicants are not aware of any requirement to formally list this application as suggested by the Examiner. If the Examiner maintains this position, Applicants respectfully request the Examiner provide the proper authority for supporting this request.

Claim Objections

The Examiner objected to claim 11 based on minor informalities. By this amendment, Applicants have amended claim 11 to correct the typographical error. Based upon this amendment, Applicants respectfully request the outstanding objection be withdrawn.

Claim Rejections - 35 U.S.C. 103(a) -
Gay et al./Strawczynski et al.

Applicants respectfully traverse the 35 U.S.C. §103 rejection of claim 1 as the Office Action has failed to establish *prima facie*

obviousness. *Gay et al.* teaches codec's which are used to process digital speech for telecommunications applications. More specifically, *Gay et al.* teaches equipment wherein a codec, upon recognizing the presences of another codec on a high bit rate side of a connection, switches from its conventional coding/decoding mode of operation to a second mode of operation (col. 2, lines 8-20). For example, rather than decode the encoded speech received from the codec on the other low bit rate side of the connection, it embeds coded speech bits in its output signal. Specifically, the low rate signal 16kbps signal is padded out to a 64 kbps signal by combining the 16 kbps encoded signal with "place holder" bits. As a result, only one encoding/decoding cycle is performed across the connection. (See col. 2, lines 21-26 and col. 4, line 66 – col. 5, line 1). In furtherance of this function, *Gay et al.* specifically discloses an output switch 217 which switches between encoder 211 and stripper 212, to provide either newly encoded data or stripped data which has been previously encoded. (See Fig. 2; col. 5, lines 8-26.)

Conversely, *Gay et al.* fails to teach or suggest, *inter alia*, digital circuit multiplication equipment including speech signal output means for selecting one of the coded speech signal extracted by said speech signal extracting means and the coded speech signal including the bit rate identification information added by said bit rate identification information adding means as recited in claim 1.

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The signal output means as recited in claim 1 facilitates high quality transmission without degrading speech quality in a variable bit rate Digital Circuit Multiplication Equipment (DCME) having a tandem passthrough function. Conversely, switch 217, as taught by Gay et al., merely facilitates a passthrough function in a system using encoders having a fixed bit rate.

Strawczynski et al. fails to cure the deficiencies of the teachings of *Gay et al.* because *Strawczynski et al.* fails to teach or suggest this claim element. As the Official Action fails to provide references that teach or suggest all of the claim elements, it is respectfully submitted that the rejection fails to establish prima facie obviousness and thus, it is respectfully requested that the outstanding rejection of claim 1 be reconsidered and withdrawn.

Claim 11 depends from claim 1, and by virtue of this dependency, is allowable at least for the reasons provided above for allowable claim 1.

Claim Rejections - 35 U.S.C. 103(a) - *Gay et al./Strawczynski et al./Gvozdanovic*

Applicants respectfully traverse the §103 rejection of claims 7, 9, and 10 as being unpatentable over *Gay et al.* in view of Strawczynski et al. and further in view of *Gvozdanovic*. Claims 7, 9, and 10 depend from claim 1 and include all of the features recited therein. *Gvozdanovic* fails to cure the deficiencies of Gay

et al. because Gvozdanovic fails to teach or suggest, at least, digital circuit multiplication equipment including speech signal output means for selecting one of the coded speech signal extracted by said speech signal extracting means and the coded speech signal including the bit rate identification information added by said bit rate identification information adding means, as required by claims 7, 9, and 10. Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of claims 7, 9, and 10.

Claim Rejections - 35 U.S.C. 103(a)-
 Gay et al./Strawczynski et al./Gvozdanovic/Lemieux

Applicants respectfully traverse the §103 rejection of claim 8 as being unpatentable over *Gay et al.*, and *Strawczynski et al.*, and *Gvozdanovic*, and further in view of *Lemieux*. Claim 8 depends from claim 1 and includes all of the features recited therein. *Lemieux* fails to cure the deficiencies of *Gay et al.* because Gvozdanovic fails to teach or suggest, at least, digital circuit multiplication equipment including speech signal output means for selecting one of the coded speech signal extracted by said speech signal extracting means and the coded speech signal including the bit rate identification information added by said bit rate identification information adding means, as required by claim 8. Accordingly,

Applicants respectfully request the Examiner reconsider and withdraw the rejection of claim 8.

Claim Rejections - 35 U.S.C. 103(a)-
Gay et al./Piasecki et al.

Applicants respectfully traverse the 35 U.S.C. §103 rejection of claim 2 as the Office Action has failed to establish prima facie obviousness. *Gay et al.* teaches coders and decoders which operate using fixed data rates (col. 3, lines 8-12; col. 5, lines 10-18; Fig. 2, 211, 231). Applicants submit that the codec controllers (214, 314, Fig. 2) are not used for assigning the bit rates of transmitted signals as asserted in the Office Action (Office Action: Paragraph No. 6, lines 15-18). Rather, codec controllers 214 and 314 control switches 216/217 and 316/317, respectively, to control the mode of compressors 210 and 310. The first mode of compressor 210/310 is to output 16kbps signals which are encoded by encoder 211. The other mode is outputting stripped data from a padded signal which was previously encoded (col. 5, lines 10-22; Fig. 2). "In either event, the resulting 16kbps signal is output by way of switch 217." (Col. 5, lines 22-23; emphasis added.)

Conversely, *Gay et al.* fails to teach or suggest, at least, "a bit rate means for fixing, when receiving a message indicating a trunk channel in a passthrough state form the transmission line, a

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transmission bit rate of a coded speech signal" as recited in claim 2.

In fact, Gay et al. teaches away from a bit rate fixing means. Because the encoded signal is always fixed at 16 kbps after encoding from 64 kbps, the system taught by Gay et al. would not require a means for fixing the bit rate. Moreover, the bit rate fixing means as recited in claim 2 permits high quality transmission without degrading the speech quality in a variable DCME with a tandem passthrough function.

Piasecki et al. fails to cure the deficiencies of the teachings of *Gay et al.* because *Piasecki et al.* fails to teach or suggest this claim element. As the Official Action fails to provide references that teach or suggest all of the claim elements, it is respectfully submitted that the rejection fails to establish prima facie obviousness and thus, it is respectfully requested that the outstanding rejection of claim 2 be reconsidered and withdrawn.

Claims 3 and 4 depend from claim 2, and are allowable at least by virtue of their dependency from allowable claim 2.

Claim Rejections - 35 U.S.C. 103(a)- *Gay et al./Sourani et al.*

Applicants respectfully traverse the 35 U.S.C. §103 rejection of claim 5 because the Office Action failed to establish a *prima facie* case of obviousness. *Gay et al.* teaches coders which receive

a 64 kbps signal from PBX 124. (See col. 2, lines 13; Fig. 2.) Thus, as conceded by the Examiner, *Gay et al.* merely teaches a system which "operates in an environment where only a single trunk channel is used for transmission." (Office Action: page 7, paragraph no. 6, lines 18-19.)

Conversely, *Gay et al.* fails to teach or suggest, at least, "assignment means for assigning the trunk channel that starts the passthrough operation to a passthrough clique or bit bank" as recited in claim 5.

The system taught by *Gay et al.* would not require an assignment means, since this system only has one trunk channel to transmit data over. Moreover, transmitting the trunk channel in the tandem passthrough state by a clique enables the assignment to be implemented without detaining the request. Thus, the assignment means as recited in claim 5 permits high quality transmission without degrading the speech quality in a variable DCME with a tandem passthrough function.

Sourani et al. fails to cure the deficiencies of the teachings of *Gay et al.* because *Sourani et al.* fails to teach or suggest this claim element. As the Office Action fails to provide references that teach or suggest all of the claim elements, it is respectfully submitted that the rejection fails to establish prima facie obviousness and thus, it is respectfully requested that the rejection of claim 5 be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. 103(a)-
Gay et al./Sourani et al./Piasecki et al.

Applicants respectfully traverse the §103 rejection of claim 6 as being unpatentable over *Gay et al.* in view of *Sourani et al.*, and further in view of *Piasecki et al.* Claim 6 depends from claim 5 and includes all of the features recited therein. *Piasecki* fails to cure the deficiencies of *Gay et al.* because *Piasecki* fails to teach or suggest, at least, assignment means for assigning the trunk channel that starts the passthrough operation to a passthrough clique or bit bank, as required by claim 6. Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of claim 6.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By_____
      Michael R.Cammarata   Reg. No. 39,491

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

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